

TOWN OF HARTLY
P.O. Box 181
HARTLY, DE 19953

MEETING MINUTES

Wednesday, July 22nd, 2015
7:00 P.M.

Council Members Present:

Christine Oldham	Raymond K. Morris	Mark Maguire
Victoria Norris	Suzanne Morris	

Other Attending:

Jeff Spiegelman, Representative	Heather Content (Lawson's Asst.)	Edwin Tennefoss (DeIDOT)
John Miller	Lois Miller	June E. Myers
Rose Ann Ballek	Frank Ballek Sr.	Bob Quillen, Jr.
Penny Rodimak		

I. Call to Order & Roll Call

Christine Oldham called Meeting to Order at 7:05 PM

All town council members were present

II. Invocation & Pledge of Allegiance

Ms. Penny Rodimak led in Prayer

Ray Morris led in Pledge of Allegiance

III. Approval of Previous Minutes

Mark Maguire motioned to accept minutes with minor changes as identified below. Ray Morris seconded the motion. Motion carried; no opposed.

- Correct middle initial of Ray Morris mentioned in the meeting minutes
- Correct due date of taxes from Sept 30 to Oct 1

IV. Reports

a. Bills

- \$138.95 - cost for lunch for sidewalk cleaning crew. (Ray Morris)
- Apprx \$68.00 – cost of 4 gallons of weed killer to apply to town sidewalks. (Mark Maguire)
- Suzanne Morris motioned to reimburse Ray and Mark for said expenses once receipts are received. Ray Morris seconded motion. Motion carried; no opposed.

b. Taxes

- Victoria Norris reported that Tax records were received from Kent County Board of Assessments. Suzanne will work with Victoria to create the town tax statements via a

mail merge file and letter. **Q:** Victoria how do we get paper, envelopes and Stamps to complete the printing and mailing of the tax statements? **A:** Suzanne responded that she will supply copy paper, there are some old envelopes in the Town file cabinets, and we will need to purchase stamps when ready for mailing.

c. Budget/Finance

- Christine Oldham reported an official budget has yet to be defined. Council is still collecting and forecasting upcoming expenses.
- Suzanne Morris reported Wells Fargo Checking account has now been updated and signature cards changed to the current President and Town Clerk. Suzanne wishes to thank Jermaine Hatton (Mayor, Town of Townsend and Vice President of Delaware League of Local Government) for his assistance in clarifying the Municipality Incorporation process to the Wells Fargo local branch thus enabling Hartly council to make the proper changes to the checking account. **Q:** Victoria questioned balance in account and how will statements be delivered. **A:** Suzanne responded statements are only available via online and she would obtain the login information for V. Norris.

d. Building Permits

- Mark Maguire reported no building permits were received.

e. Correspondence

- Suzanne Morris reported correspondence received in G-mail account:
 1. Family Dollar rezoning request – Jared Dumke, Engineer of Maser Consulting P.A., inquired about Hartly rezoning process.
 2. Mike Spencer, Mayor Newport DE offered greeting and invited Town of Hartly council to attend Newport's next meeting. He mentioned there would be a second reading of ordinances. Mr. Spencer also offer his assistance with any questions we may have regarding town affairs.
 3. Tina Beachy from Kent County Gov't ask that the Town provide contact name and information to be posted on the County website. Suzanne responded to Tina w/information requested.
 4. Letter and documentation received from Karen Brittingham, DelDOT. Karen provided some documentation that may help to explain Lighting/Electric agreements, Reduction in Municipal Maintained Mileage, Safe Routes to School, and enclosed Agreements/Contracts:
 - a. Contract 23-062-02: Pave and Rehab, Central II 2003
 - b. Contract 24-072-01: Use of easement for Tappahanna Ditch
 - c. Contract 99-032-02: Suburban Streets and Resurfacing, Central II
 - d. Contract 82-032-07: Town of Hartly Rte.44/Sidewalk and Curb Replacement
 - e. Contract 108: Hartly to Pearson's Corner
 5. Letter from Mr. Don St Jean (rec'd prior to previous meeting) about Richie Casson Restitution. Don suggested the Town seek the advice of a judge or lawyer to inquire about restitution still owed. Original Restitution was \$93,266.50, Casson has paid approx. to date \$5,390.00, still owes \$87,876.50. This amount will not likely be paid in Casson's lifetime. Suggestion is for

Richie to obtain a life insurance policy for amount of restitution with Town of Hartly being the beneficiary of the policy.

V. Unfinished Business

a. Archives

- Suzanne reported that Jean Townson & Kit Carson (both from State of Delaware Archives Division), met with Suzanne, Christine, and Deanna Jackson. Jean & Kit provided guidance and documentation on State requirements for retention and destruction of Town records. All old tax records need to be put in order by name or tax parcel and sent to archives to be scanned. Check registers and check can be destroyed, financial records must be kept for a period of time and after an audit can be destroyed. As well as other guidance on miscellaneous documents. Due to the amount of documentation and it's age, Suzanne advised it would take a minimum of 6 months to complete the documentation clean up.

b. Comprehensive Plan

- Suzanne reported she spoke (emailed) with David Edgell, Office of State Planning Organization, to inform him that we have not had the opportunity to continue work on the Town's Comprehensive Plan. David did indicate that the Comprehensive Plan drafted in 2009 was in good shape but it needs to be brought up to date with current Officials and reviewed and completed by a committee.

c. Other unfinished business as may be necessary for discussion and/or action

- Ray Morris motioned to forgive taxes and fees/interest of tax years 2009 – 2014 because the town never sent out any statements; however for tax years 2008 and prior taxes would still be due. Representative Spiegelman asked for clarification on interest/fees on 2008 prior taxes for years 2009 – 2014. Clarification: There would be no fees/interest assessed during the forgive tax years 2009 – 2010. Mark Maguire seconded the motion. Motion carried; no opposed.

VI. New Business

a. Family Dollar Annexation Request

- Ray Morris reported that Family Dollar been asking for about the past 2 years to come into town. Family Dollar originally inquired about the old proposed "Town Centre" property however that was property is too contaminated for Family Dollar. Someone else might want to come in and clean that lot up but Family Dollar is not interested in that lot. Family Dollar is interested in the property (Schweitzer residences) across the street, on the southeast corner of Main Street and Arthursville Road to be annexed into Town limits. There is a 20' x 250' piece of land that butts up to Miller residence that Family Dollar would like annexed into Town limits. Ray indicated the council needs to approve a committee to begin review of the request. Mark motioned to make a committee of three (3) to review the property, placement, and annexation request and to report back to the council at the August 11th meeting. E. Tennefoss mentioned we may not be able to annex until the Comprehensive Plan is completed. Frank Ballek asked about Family Dollar's interest in where the Hartly Market (R.Davis

property) use to be. Discussion about “mom & pop” stores vs big business stores coming to town. Mark motioned to appoint council, Ray seconded. Motion carried; no opposed.

b. CTF Agreement for Hartly Volunteer Fire Company “Front Pad Project”

- Guest Speakers Heather Contant, Assistant to Senator Lawson, Representative Jeff Spiegelman and Edwin Tennefoss explained what CTF funding is and discussed the CTF agreement that is needed with Town of Hartly and State (for CTF funding) for the HVFC project. Edwin has been working with Steve Connors (HVFC) regarding the work, plans, and bids for the project. The project could not move forward with the plan until a Town government was in place. The State cannot form an agreement with the HVFC on its own. CTF funding must go through the Town. The project has already been agreed to be funded by Lawson and Spiegelman. It was mentioned that on June 30th the State Budget and Bond Bill passed which allows for non-use of prevailing wages that will allow for reduction in cost. HVFC will reach out to the 3 bidders for a new contract to be between Town of Hartly and bidder. A CTF funding agreement has been drafted and awaits approval from the Town of Hartly President. Clarification, the monies can only be used for the stated project. Suzanne asked is a separate checking account needed to fund this. Edwin answered no.
- Edwin did further explain that ToH is the true contractor of the party doing the work. Bid should be made to ToH, when contractor provides invoice for payment, to send email/letter to Geri Smith DeIDOT, asking for reimbursement from CTF, State pay to, to pay contractor. Bob Quillen Jr asked about cost being over \$100,000. Clarification – if over \$100,000 will need to go to RFP or Edwin indicated request for separate bids with one under \$99,999 and that would be what Town agrees to State.
- Mark motion to support the contract at hand for the HVFC front pad in addition to getting 3 new bids to town and have a new agreement ready to be signed on 8-11. Edwin indicated an Agreement is present tonight. Additional conversation regarding obtaining new bids. Edwin said we don't have to have bids prior to signing the agreement. CTF agreement indicates we will make sure that we abide, many towns ask for CTF funds and then get bids afterwards. Mark Revoked this motion and made new motion.
- Mark made new motion to sign the CTF agreement and the Town will meet State requirements per the agreement by getting 3 new bids to the town (not needing to use prevailing wages). Ray seconded. Motion carried; no opposed.
- Also Noted: Work with Street Aid Fund will not require prevailing wage use as well. HVFC responsible for remaining.

c. Sidewalks

- Mark provided a written Sidewalk report to Suzanne. Mark reported on actions taken by himself, Ray, and DeIDOT. Currently today the Town's sidewalks do not meet any ADA requirements. DeIDOT informed them of TAP (Transportation Alternative Program) program where federal funding money is available to cover 80% of cost and 20% would need to come from other non-fed program. In order to move forward with this initiative, the Town needs to send a letter to Asst Program Director indicating we are interested in this program. The TAP program will lay it out for the whole town as several phases. This will make it easier to request CTF funds to help

cover the additional 20%. This will be a long process – approx 2 years for engineering and possibly 5-6 years to see completion of project. Victoria motioned to go forward with TAP program and send letter to Assistant Director of TAP. Suzanne seconded. Motion carried; no opposed.

- Mark also reported he and Ray coordinated to spray weed killer and had prisoners to clean sidewalks. Note unable to do by school because of laws.

d. Insurance

- Christine gave report on Insurance needs. Rich Casson was not bonded at time of embezzlement and that is the reason for no insurance reimbursement for the funds. With the proposed insurance policy Victoria (Treasurer) and all Council members will be bonded. The policy is with Selective Insurance and obtained through Records & Gephart. Costs would be approx \$475.00 to bond all council members w/ \$100 deductible and \$10,000 limit. Mark motioned to purchase the Insurance Bond. Ray seconded. There were no questions. Motion carried; no opposed.

e. Municipal Street Aide (MSA)

- Suzanne reported that Mrs. Karen Brittingham provided a booklet including forms and historical research she did specifically on the Town of Hartly MSA. Karen informed that MSA can go back five (5) years and the Town can obtain about \$3,608.30. Karen provided the rules and details that must be adhered to in order to obtain funds; i.e. Town council must be bonded and have separate checking account. Rose Ballek asked exactly what MSA is? Suzanne responded that MSA is State funds that is in the State Budget and given to municipalities based on populations and road footage. Hartly is given funds based on population only because we have no road footage. Funds can only be used for street type maintenance and can be used towards the electric bill and sidewalks. Mark thought Karen had mentioned we could use funds to purchase a computer as well. Representative Spiegelman mentioned that MSA is often mentioned during State Sessions to be cut from the State budget, it has been cut in the past, however for State FY2016 it was approved. Mark motioned to empower to open checking account, follow requirements, and proceed to get funding. Suzanne seconded. Motion carried; no opposed.

f. Ordinances Review

- Mark reported that Suzanne & Mark looked at other town's ordinances. To date we could not find a single recording or document of Hartly ordinances (in one place). In reviewing other towns, Magnolia's is very nicely written and has many we would like to see adopted in Hartly. Edwin Teneffoss indicated most ordinances can be adopted without a charter change and without a Comprehensive Plan.

g. Town Website

- Suzanne reported no progress on website at this time but thinks we need a motion to actually move forward since it was not previously done so. Christine motioned to continue to move forward with creation of website. Victoria seconded. Motion carried; no opposed.

h. Other new business as may be necessary for discussion and/or action

- Suzanne addressed Heather about email regarding many legal questions. Representative Jeff Spiegelman and Heather Contant have divided questions among

their lawyers. Heather asked that we send an email if one or the other needs to be prioritized. Representative Spiegelman apologized for the delay in response, their lawyers have been quite busy with the final sessions of Legislation thru the end of June.

VII. Public Comment / Council Member Comment

- Mrs. Ballek – question about Life Insurance policy on Richie Casson. Various discussion took place. It was asked if Richie would still have to pay restitution on top of keeping Life Ins Policy; the council indicated we would likely select Life Ins Policy over the continued payment of restitution; as Richie is in his 50's now. This is on the legal list sent to Heather for lawyers to review. Also, Christine mentioned that Don St. Jean volunteered to write a letter to a judge. Clarification made that Richie would take out the policy and pay that cost. Suzanne asked Heather to put this topic at top of legal list
- Representative Spiegelman mentioned it would be nice if Hartly would post these meeting in some fashion more public than currently is. Various discussion took place. Spiegelman offered to have Hartly notices posted on his FB site. Christine mentioned the Town has a FB page, but it is in an individual type account and it needs to be changed to a business type page. In the meantime Spiegelman will post on his FB. Suzanne asked Heather if other municipalities post on state calendar. Heather did not think so, mostly state hearings are posted on it. Suzanne will send information for the next meeting to Representative Spiegelman and he will have staff post it. Suzanne will send information to David Kuznicki. Another suggestion was to have meetings announced at Hartly Church and at HVFC meeting.
- Rose Ballek and Penny Rodimak asked about David Kuznicki's film and how long before we might see it. Various discussion took place. It was indicated that it would be about a year to get done and then 6 months until production complete.
- Penny Rodimak asked about the light bill. Various discussion took place. Christine is reaching out to Judy (Delmarva Power) to determine exactly what took place over the past 10 years. Trying to find documents regarding why Town is responsible for state maintained lights and why did they continue to keep the lights on. It's been a few weeks since Christine has heard anything from Delmarva. It was mentioned that when we owed \$108.00 the bill stated out electric would be turned off... 10 years later we have a +/- \$24,000 bill. Heather will email the State's liaison and ask Delmarva to reduce late fees and interest. When Ray & Christine asked, they were unable to remove these fees. Heather will ask jointly from Rep Spiegelman and Senator Lawson to Delmarva for Delmarva to do what they can to reduce the bill. Ray asked that they also inquire as to what kind of arrangements could be made for payment, obviously we won't be able to pay a lump sum and have interest and late fees stopped.
- June Myers question about what's been going on with Speeding through town. Ray mentioned some State Police have been patrolling in town; when they have our sector they come in town, sometimes they catch some.
- Penny mentioned that Dave Brown has a Harley Davidson basket (contains a back window graphic, license plate, hitch plug, floor mats, and you get the basket too) that he is selling raffle tickets for to help pay for Electric Bill. Please help sell them, 1 = \$1.00, 5=6.00; Penny has sold seven books. Penny will post on Facebook. Spiegelman asked Penny to forward this information. Stop by Dave's to get some tickets. Also Frank mentioned to stop by Dave's and take a look at the pictures Dave has of Hartly. (Tag, Floor Mat,

- Christine would like to put together fund raising committee. Various discussion took place. Penny talked about a dinner & comedy show, but mention you must reach out to the community to get participation. September would not be a good time because of HVFC convention. October is not good because of HVFC open house. November would be next opportunity to hold something. We are very dependent on the Fire Company building to hold such events. Suzanne mentioned that Hartly previously did a thanksgiving event with Santa coming to town, caroling, etc. Penny mentioned we could ask for donations or charge for hay Rides or possible use the Penny mentioned she enjoyed previous events and could even ask the church if we could use their parking lot. Tabled any motions for committee and ideas to August meeting.
- June Myers thanked us for all of our hard work, you're doing a good job.
- Suzanne mentioned donation of Verizon minutes for June and July to town and Christine will donate for August. Suzanne will try to get a message out about needing additional minutes donated for future.
- Mark announced next meeting on Aug 11th 2015 at 7PM at HVFC

VIII. Adjournment

- Mark motion to adjourn. Ray seconded. Motion carried; no opposed.